

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL RODIO,

Plaintiff,

v.

Civil Action No. 04-CV-10006-JGD

R.J. REYNOLDS TOBACCO COMPANY,

Defendant.

**DEFENDANT'S MOTION TO STRIKE
PORTIONS OF PLAINTIFF'S SUMMARY JUDGMENT OPPOSITION**

Defendant R. J. Reynolds Tobacco Company hereby moves for an order striking the following from Plaintiff's Memorandum in Support of His Opposition to Defendant's Motion for Summary Judgment: (1) the entire section entitled "Decision of the Mass. [sic] Department of Labor and Work Force Development, Division of Employment and Training," pp. 14-17; and (2) Exhibit G. The reasons for the Defendant's Motion are set forth in the accompanying Memorandum of Law in Support of Defendant's Motion to Strike Portions of Plaintiff's Summary Judgment Opposition.

Respectfully submitted,

R.J. REYNOLDS TOBACCO COMPANY

By its attorneys,

/s/ Mark H. Burak

Mark H. Burak, BBO# 558805
Sandra E. Kahn, BBO # 564510
Morse, Barnes-Brown & Pendleton, P.C.
Reservoir Place
1601 Trapelo Road
Waltham, MA 02451
(781) 622-5930
(781) 622-5933 (facsimile)

OF COUNSEL:

W.R. Loftis, Jr., N.C. Bar No. 2774
Kristine M. Howard, N.C. Bar No. 26903
Candice S. Wooten, N.C. Bar No. 28161
Constangy, Brooks & Smith, LLC
100 North Cherry Street, Suite 300
Winston-Salem, NC 27101
(336) 721-1001
(336) 748-9112 (facsimile)

Dated: September 29, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by first class mail on September 29, 2005

/s/ Mark H. Burak